

**United States District Court
For The
District of North Dakota**

Petition for Action on Conditions of Pretrial Release

United States of America)	
)	
vs.)	Docket No.: 0868 1:22CR00134-3
)	
Montessa Joy Packineau)	

COMES NOW, Stephanie Cherney, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant, Montessa Joy Packineau who was placed under pretrial release supervision by the Honorable Clare R. Hochhalter, Magistrate Judge, sitting in the Court at Bismarck, on August 29, 2022, under the following conditions:

1. The defendant must not violate federal, state, tribal, or local law while on release.
2. The defendant must advise the Office of Probation and Pretrial Services and defense counsel in writing before making any change in address or telephone number.
3. The defendant must appear in court as required and must surrender to serve any sentence imposed.
4. The defendant shall report to the Pretrial Services Officer at such times and in such manner as designated by that Officer.
5. Defendant shall refrain from: any use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner; and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection process or specimen may be considered the same as a positive test result.
6. Defendant shall not possess a firearm, destructive device, or other dangerous weapon.
7. Defendant shall undergo a substance abuse and/or mental health evaluation if required by the Pretrial Services Officer and comply with resulting counseling or treatment recommendations.
8. Defendant shall submit person, residence, vehicle, and/or possessions to a search conducted by a Pretrial Services Officer at the request of the Pretrial Services Officer.

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Failure to submit to a search may be grounds for revocation of pretrial release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.

9. Defendant shall not knowingly or intentionally have any direct or indirect contact with co-defendants, except that counsel for the defendant, or counsel's agent or authorized representative, may have such contact with such person(s) as is necessary in the furtherance of the defendant's legal defense.
10. Defendant's travel is restricted to the Bismarck-Mandan area.
11. Defendant shall reside at Good Road Recovery in Bismarck, ND and shall participate in the facility's program and abide by its rules and regulations. Defendant shall not change this address without prior approval of the Pretrial Services Officer.
12. Defendant shall be released at 10:00AM on August 29, 2022, for transport to Good Road Recovery Center by Caleb Sage.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

- 1) **Violation of Condition #5:** On November 11, 2022, results were received from PharmChem advising that Ms. Packineau's sweat patch, which was applied on October 21, 2022, and removed on November 1, 2022, was positive for methamphetamine and fentanyl.
- 2) **Violation of Condition #5:** On November 23, 2022, results were received from PharmChem advising that Ms. Packineau's sweat patch, which was applied on November 1, 2022, and removed on November 14, 2022, was positive for methamphetamine.
- 3) **Violation of Condition #7:** On November 15, 2022, Ms. Packineau was unsuccessfully discharged from Good Road Recovery Center Programming for difficulty with consistent attendance, confirmed substance abuse, and continued dishonesty.
- 4) **Violation of Condition #5:** Ms. Packineau was asked to provide urine samples for Good Road Recovery and in my office from October 17th until November 3rd, 2022. Ms. Packineau claimed to have a medical condition, which prevented her from providing, as directed. When asked to provide medical documentation of her condition, the defendant provided a falsified document claiming to be from Sanford Health. It was later discovered that she had never been to the doctor on the date and time, previously reported.
- 5) **Violation of Condition #4:** Ms. Packineau was directed to report to the U.S. Probation office on November 29, 2022, following her evaluation at Summit Counseling. Ms. Packineau failed to do so and when questioned was deceptive about her whereabouts.

PRAYING THAT THE COURT WILL ORDER: A warrant be issued for the arrest of Montessa Packineau and hearings be held to determine if she violated the conditions of her Pretrial

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Release.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully,

/s/ Stephanie N. Cherney 11/30/2022
U.S. Pretrial Services Officer
Place: Bismarck

ORDER OF THE COURT

Considered and ordered this 30th day of November 2022 and ordered filed and made a part of the record in the above case.

- ☒ Warrant to be issued
- ☐ Summons to be issued
- ☐ Notice of hearing to be filed
- ☐ Modification of the defendant's conditions of release
- ☐ Other



Clare R. Hochhalter
U.S. Magistrate Judge